



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ballevre et al.  
Appl. No.: 09/508,635  
Conf. No.: 7617  
Filed: May 18, 2000  
Title: ORGAN SPECIFIC NUTRITION  
Art Unit: 1653  
Examiner: D. Lukton  
Docket No.: 112701-066

Commissioner for Patents  
Washington, DC 20231

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RESPONSE TO OFFICE ACTION

Sir:

This Response is submitted in response to the Office Action dated December 3, 2002.

REMARKS

In the Office Action, claims 30, 32, 35 and 37-41 are rejected under 35 U.S.C. §112, first paragraph; claims 30, 32, 35 and 37-41 are rejected under 35 U.S.C. §112, second paragraph; and Claims 30, 32, 35 and 37-41 are rejected under 35 U.S.C. §103. Applicants believe that the rejections are improper for at least the reasons set forth below.

In the Office Action, claims 30, 32, 35 and 37-41 are rejected under 35 U.S.C. §112, first paragraph. The Patent Office essentially asserts that the claimed invention is not enabled even considering what the specification discloses in support of same. Applicants believe that the Examiner's position is clearly unsubstantiated.

Of the pending claims at issue, claim 30 is the sole independent claim. Claim 30 recites a method for promoting recovery of an organ of a mammal. The method includes the steps of selecting a dietary protein selected from the group consisting of a protein hydrolysate having a specific degree of hydrolysis, one or more free amino acids and mixtures thereof; and administering a therapeutically effective amount of the dietary protein to the mammal. Contrary to the Patent Office's position, Applicants do not believe that undue experimentation would be required to practice the claimed invention.

Foremost, the claimed invention requires promoting recovery of an organ of a mammal by selecting a dietary protein and administering same to a mammal in a therapeutically effective